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| 10/687,717 | 10/17/2003 | Nitin Jhingan | END920030062US1 (16847) | 3277 |
| 23389 7590 07/10/2008 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530 | | | | |
| EXAMINER | | | | |
| NGUYEN, QUYNH H | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2614 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/687,717

Applicant(s)

JHINGAN, NITIN

Examiner

QUYNH H. NGUYEN

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 4/21/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10, and 12-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed 4/21/08 has been entered. Claims 1, 3-4, 6-7, 9, 12-13, 15, and 17 have been amended. Claims 5 and 11 have been canceled. No claims have been added. Claims 1-4, 6-10, and 12-17 are still pending in this application, with claims 1, 7, and 13 being independent.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

3. Claim 1 recites "said one instance selecting one of the instances..." and "said accessed one instance sending...". It is unclear as how an instance could select another instance or send to user? Applicant's specification and claims are written too broad and does not explain how an instance could select another instance or send to user. Claims 7 and 13 have the same defect.

Claims 13-17 claim a program storage device. However, Applicant's Specification does not positively disclose what a program storage device is?

Claim Rejections - 35 USC § 101

4. Claims 13-17 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. The language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. Claims 13-17, claim a program storage device. However, Applicant's Specification does not disclose what a program storage device is. Therefore, since the claimed program is not tangibly embodied in a physical medium and encoded on a computer-readable medium then the Applicants has not complied with 35 U.S.C 101.

Claim Rejections - 35 USC § 103

5. Claims 1-4, 7-10, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over submitted prior art Logan et al. (US Patent 6,578,066) in view of Brown (2003/0145106).

As to claims 1, 7, and 13, Logan et al. teaches the steps of:

providing a plurality of instances of the application on a plurality of servers, each of the instances operated on one of the servers having a respective Internet address (col. 3, lines 8-11 and lines 39-45);

the user accessing one of the instances, via the Internet, by means of the Internet address of the one instance (col. 3, lines 45-48);

selecting one of the instances, according to a predefined procedure, for a session with the user (col. 5, lines 6-14);

sending to the user an identifier for establishing a session with the selected application (col. 3, lines 22-25);

the user establishing a session with the selected one instance, via the Internet, by using the identifier (col. 3, lines 45-48).

For limitations said one instance selecting and said accessed one instance sending, see 112 rejection above. Logan does not explicitly teach selecting one of the instances including the step of selecting one of the instances based on a profile of the user and based on a profile of the user and based on given security rules.

Brown teaches teach selecting one of the instances including the step of selecting one of the instances based on a profile of the user and based on a profile of the user and based on given security rules ([0010], [0022] - [0024] - *where Brown discussed selecting proper packet redirection based on mobile device profile and specific rules and information evaluated and retrieved from the packet inspection routine; and the system for directing data traffic includes firewall and secured network*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made the teachings of Brown into the teachings of Logan in order to have a more efficient system. Selecting proper packet redirection based on user profile and security rules are well known and the advantage of using them is also well known. For example, improving data traffic, load balancing, and network security in the network.

As to claims 2, 8, and 14, Logan et al. teaches selecting one of the instances based on the geographic location of the user (Fig. 3, 302, 304, 306; col. 3, lines 8-16; col. 11, lines 57-61).

As to claims 3, 9, and 15, Logan et al. teaches each of the instances has a Uniform Resource Locator, and sending to the user the URL of the selected instance (col. 3, lines 8-25).

As to claims 4, 10, and 16, Logan et al. teaches obtaining from the first table the geographic region associated with the user; and obtaining from the second table, the instance associated with the obtained geographic region (col. 9, line 37 through col. 10, line 65).

6. Claims 6, 12, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan and Brown and further in view of Low (US Patent 6,282,281).

As to claims 6, 12, and 17, Logan and Brown do not teach user profile is configurable.

Low teaches user profile is configurable (col. 4, lines 25-31).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Low into the teachings of Logan and Brown in order to have a more efficient system and allowing users to configure their profile according to their preferences.

Response to Arguments

7. Applicant's arguments with respect to claim 1-4, 6-10, and 12-17 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments are addressed in the above claims rejections.

With respect to claims 13-17, program only recited in the claims and not being described in the specification. Therefore, the 112 rejection is maintained. Furthermore, the claimed program is not tangibly embodied in a physical medium and encoded on a computer-readable medium then the Applicants has not complied with 35 U.S.C 101.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lavin et al. (2003/0080996) teaches software for a navigation control unit for use with a wireless computer resource access device and associated system.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to QUYNH H. NGUYEN whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Quynh H Nguyen/

Primary Examiner, Art Unit 2614